

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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	:	
CHRISTOPHER SEARLES,	:	
	:	
Plaintiff,	:	21cv5444 (DLC)
	:	
-v-	:	<u>ORDER</u>
	:	
JOYCE ROBERT, M.D. and MT. SINAI HEALTH:	:	
SYSTEM, INC.,	:	
	:	
Defendants.	:	
	:	
-----X		

DENISE COTE, District Judge:

On January 30, 2019, the above-captioned action was commenced in New York State Supreme Court. On June 21, 2021, defendant Joyce Robert, M.D, removed the action to federal court pursuant to 42 U.S.C. § 233(c) and 28 U.S.C. §§ 1346(b), 2401(b), and 2671-2680. On September 3, the United States Attorney for the Southern District of New York filed a motion on behalf of Dr. Robert to substitute the United States as defendant and dismiss the complaint for lack of subject matter jurisdiction pursuant to Rule 12(b)(1), Fed. R. Civ. P. On November 10, 2021, the Court dismissed the claims against Dr. Robert and dismissed this action for lack of subject matter jurisdiction.

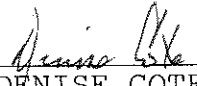
The plaintiff appealed and on January 3, 2024, the mandate issued from that appeal. The Court of Appeals affirmed the

dismissal of the claims against Dr. Robert and the determination that there is no subject matter jurisdiction in federal court over the claims against Mt. Sinai. It held, however, that the action should have been remanded for the plaintiff to pursue his claims against the remaining defendant. It is hereby

ORDERED that this action is reopened for the limited purpose of remanding the claims against Mt. Sinai Health System to the New York State Supreme Court. The reopening of the action as to Mt. Sinai Health System should have no effect on the dismissal of the claims as to Dr. Robert. The claims against Dr. Robert remain dismissed pursuant to the November 10, 2021 Order.

IT IS FURTHER ORDERED that this case is remanded to the New York State Supreme Court.

Dated: New York, New York
January 4, 2024



DENISE COTE
United States District Judge